

:1:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4341 OF 2002

IN

FIRST APPEAL (ST) NO. 22215 OF 1996

CIVIL APPLICATION NO. 4342 OF 2002

IN

FIRST APPEAL (ST) NO. 22215 OF 1996

CIVIL APPLICATION NO. 4343 OF 2002

IN

FIRST APPEAL (ST) NO. 22215 OF 1996

Office Notes, Office Memoranda
of Coram, appearances, Court's
Orders or directions and
Registrar's Orders

Court's or Judge's Orders

S.N. Gawade, Govt. Pleader present.

CORAM: S.B. DESHMUKH, J.

DATE : SEPTEMBER 5, 2006.

:2:

P.C. :

1. Civil Application No. 4341 of 2002 seeks the legal heirs of deceased respondent no.10 Ramu Ganpat Jagtap to be brought on record by condonation of delay and setting aside the abatement.

2. Civil Application NO. 4342 of 2002, seeks the substitution of legal heirs, condonation of delay and abatement of appeal in relation to legal heirs of deceased respondent no.11 namely Trimbak Valu Jagtap.

3. Civil Application No. 4343 of 2002, is filed by the applicant for substitution of legal heirs of deceased Respondent no.15 Shevantabai Valu Jagtap.

4. The learned AGP has invited my attention to the explanation tendered

in these Civil Applications. These Civil Applications are arising out of the First Appeal challenging the judgment and award passed in L.A.R. No. 59 of 1989. The fact of death of Respondent no.10, 11 and 15 was not known to the applicant. The process server found that these persons were dead and has accordingly reported to this court. This fact of death was informed by the learned AGP to the Land Acquisition Officer and thereafter these applications for substitution have been filed in this court.

5. Despite issuance of rule, none appears for the respondents. The delay occurred in filing these applications, considering the facts and circumstances, requires to be condoned. The legal heirs of Respondent no.10, 11 and 15 needs to

be substituted by setting aside the abatement.

6. In the result, Civil Applications are allowed. Delay caused in bringing legal heirs of Respondent no.10, 11 and 15 is condoned. Abatement if any, in relation to Respondent nos.10, 11 and 15 stands set aside. Legal heirs of Respondent nos.10, 11 and 15 are directed to be brought on record. Necessary amendment to be carried out within a period of four weeks.

7. All the Civil Applications are accordingly allowed and disposed off.

sd/-
(JUDGE)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2785 OF 2000
IN
FIRST APPEAL (ST) NO. 22215 OF 1996

Office Notes, Office Memoranda
of Coram, appearances, Court's
Orders or directions and
Registrar's Orders

Court's or Judge's Orders

S.N. Gawade, Govt Pleader for the
appellants.

CORAM: S.B. DESHMUKH, J.
DATE : SEPTEMBER 5, 2006.

P.C. :

1. S.O. two weeks at the request
of learned AGP.

sd/-

(JUDGE)